

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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HC2, INC.,	:	
	:	Civil Action No.: 1:20-cv-3178
Plaintiff,	:	
	:	[PROPOSED] CASE MANAGEMENT
	:	PLAN
-v-	:	
	:	
ANDREW DELANEY,	:	
	:	
Defendant.	:	
-----	X	

This Civil Case Management Plan and Scheduling Order is submitted by the parties in accordance with Federal Rule of Civil Procedure 26(f)(3) and contemplates an expedited discovery schedule for the Court's Preliminary Injunction Hearing:

1. All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c).
2. The parties have conferred pursuant to Federal Rule of Civil Procedure 26(f).
3. The parties have not engaged in settlement discussions to date.
4. Any motion to amend or to join additional parties shall be filed no later than June 30, 2020.

Pursuant to Paragraph 2(J) of the Court's Individual Practices in Civil Cases, parties may extend the deadlines set forth in Local Civil Rule 6.1 by an agreed-upon schedule, which shall govern as long as it is disclosed to the Court in a letter

accompanying the initial motion. At the Initial Pretrial Conference, parties should come prepared to discuss a proposed briefing schedule for any anticipated motion.

5. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than May 18, 2020.
6. Other than as set forth herein with respect to the Court's expedited discovery schedule for the Preliminary Injunction Hearing, plaintiff proposes that all fact discovery is to be completed no later than September 3, 2020.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in Paragraph 6 above.
 - a. Initial requests for production of documents for the Preliminary Injunction Hearing shall be served by May 8, 2020. Initial requests for production of documents for the remainder of the case shall be served within 30 days following the initial pretrial conference.
 - b. Interrogatories pursuant to Rule 33.3(a) of the Local Rules of the Southern District of New York for the Preliminary Injunction Hearing shall be served by May 8, 2020. Interrogatories pursuant to Rule 33.3(a) of the Local Rules of the Southern District of New York for the remainder of the case shall be served within 30 days following the initial pretrial conference. No Rule 33.3(a)

interrogatories need to be served with respect to disclosures automatically required by Federal Rule of Civil Procedure 26(a).

- c. Unless otherwise ordered by the Court, contention interrogatories should be served consistent with Rule 33.3(c) of the Local Rules of the Southern District of New York.
 - d. Depositions are not necessary for the Preliminary Injunction Hearing. Depositions of fact witness for the remainder of the case shall be completed by August 14, 2020.
 - e. Requests to Admit for the Preliminary Injunction Hearing shall be served no later than May 8, 2020. All other Requests to admit shall be served within 30 days following the initial pretrial conference.
- 8. All expert discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed by October 16, 2020.
 - 9. All discovery shall be completed no later than October 30, 2020.
 - 10. The proposed joint pretrial order shall be submitted on ECF in accordance with the Court's Individual Practices in Civil Cases and Federal Rule of Civil Procedure 26(a)(3) no later than thirty days after the summary judgment deadline.
 - 11. A post-discovery status conference shall be held on: November 6, 2020 at 9:00 a.m.
 - 12. Any motion for summary judgment must be filed no later than November 13, 2020.
 - 13. This case is not to be tried to a jury.

14. The parties have conferred and their present best estimate of the length of trial: Four Days.
15. Counsel for the parties propose the following alternative dispute resolution mechanism for this case.
 - a. _____ Referral to a Magistrate Judge for settlement discussions.
 - b. _____ Referral to the Southern District's Mediation Program.
 - c. X Retention of a private mediator.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

16. Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Federal Rule of Civil Procedure 26(f)(3), are set forth below.
 - a. Plaintiff proposes and submits a proposed protective order concurrently with this proposed case management plan and discovery order. Plaintiff's proposed protective order does not deviate from the Court's Model Protective Order. Defendant does not currently agree with implementation of a protective order beyond the PI hearing.
 - b. Plaintiff is submitting a proposed order with respect to expedited discovery deadlines proposed herein and a briefing schedule in advance of the hearing on plaintiff's PI Motion. Defendant had agreed to these dates prior to informing plaintiff that he preferred to file a separate case management plan. The parties

assume that the Preliminary Injunction Hearing will be scheduled for a date on or before May 27, 2020, the date of the expiration of this Court's temporary restraining order dated April 29, 2020.

- c. The parties have agreed to meet and confer on a Stipulation Regarding Certain Non-Disputed Facts prior to the Preliminary Injunction Hearing.

Dated: New York, New York
May 4, 2020

KASOWITZ BENSON TORRES LLP

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Attorneys for Plaintiff

Dated: May ____, 2020
New York, New York

LEWIS J. LIMAN
United States District Judge